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10/657,557

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EXAMINER

NAJARIAN, LENA

ART UNIT

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3626

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/657,557	<b>Applicant(s)</b> TAKEYAMA, TOSHIHISA	
	<b>Examiner</b> LENA NAJARIAN	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20040331</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 3/31/04 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 7, 9, and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Knaus et al. (US 2002/0004727 A1).

(A) Referring to claim 1, Knaus discloses a medical information management system comprising (para. 3 of Knaus):

a plurality of database devices for storing medical information in a database (Fig. 3 and para. 30 of Knaus);

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a management device for managing the medical information integrally (para. 22 of Knaus); and

an operation terminal for operating at least one of the database devices and the management device (para. 6 of Knaus),

each of the database devices comprising an automatic transmission section for extracting necessary information from the medical information stored in the database and sending the necessary information to the management device (para. 25 and Fig. 3 of Knaus),

the management device comprising:

a reception section for receiving the medical information sent from the automatic transmission section (Fig. 3 and para. 39 of Knaus);

a storage section for storing integrally the medical information received by the reception section on a basis of predetermined information included in the medical information (para. 22 and para. 51 of Knaus);

an individual verification section for verifying whether or not an operator of the operation terminal is an individual registered beforehand (para. 43 of Knaus); and

a data access authentication section for judging whether or not medical information instructed to be operated by the operation terminal is information capable of being operated (para. 24 and para. 43 of Knaus).

(B) Referring to claim 2, Knaus discloses wherein the management device further comprises a control section for performing adding of the medical information in case that the medical information instructed to be operated is judged as the

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information capable of being operated by the data access authentication section on the basis of operation instruction from the operator verified by the individual verification section (para. 43 of Knaus).

Insofar as the claim recites “at least one of,” it is immaterial whether or not the other elements are also disclosed.

(C) Referring to claim 3, Knaus discloses an output device for recording the medical information in a recording medium as electronic information (para. 22 of Knaus), wherein the management device further comprises an output permission section for judging whether or not medical information instructed to be outputted by the operation terminal is information capable of being outputted to the output device and for outputting the medical information to the output device in case that the medical information is the information capable of being outputted (para. 43 of Knaus).

Insofar as the claim recites “or,” it is immaterial whether or not the other element is also disclosed.

(D) Referring to claim 4, Knaus discloses wherein the management device further comprises a data falsification prevention section for storing change history in the storage section by making the change history correlate with the medical information in case that the adding, modifying or processing is performed to the medical information store in the storage section by the control section (para. 43 of Knaus).

(E) Referring to claim 7, Knaus discloses wherein the automatic transmission section detects difference between medical information to be sent and medical

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information sent in past, extracts medical information corresponding to the difference, and sends the extracted medical information to the management device as the necessary information (para. 46 of Knaus).

(F) Referring to claim 9, Knaus discloses wherein the individual verification section verifies the individual according to a password (para. 50 of Knaus).

Insofar as the claim recites "at least one kind of," it is immaterial whether or not the other elements are also disclosed.

(G) Referring to claim 12, Knaus discloses wherein the medical information for being browsed, added, modified or processed by the control section is at least one kind of data selected from character data, on-off data, static image data and dynamic image data (para. 43 of Knaus).

(H) Referring to claim 13, Knaus discloses wherein the operation terminal comprises an input member for inputting the operation instruction, and the input member is a keyboard (para. 39 of Knaus).

Insofar as the claim recites "at least one kind of," it is immaterial whether or not the other elements are also disclosed.

(I) Referring to claim 14, Knaus discloses wherein the medical information includes clinical examination management system data, radiation department system data (para. 46 of Knaus).

Insofar as the claim recites "at least one kind of," it is immaterial whether or not the other elements are also disclosed.

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(J) Referring to claim 15, Knaus discloses wherein the medical information sent by the automatic transmission section includes clinical examination management system data (para. 46 of Knaus).

Insofar as the claim recites “at least one kind of,” it is immaterial whether or not the other elements are also disclosed.

(K) Referring to claim 16, Knaus discloses wherein the management device and the operation terminal are connected via a network, and the network comprises a dedicated line for connecting the management device and the operation terminal (para. 21 and para. 38 of Knaus).

(L) Referring to claim 17, Knaus discloses wherein the management device further comprises:

an encryption transmission section for encrypting and sending information sending to the operation terminal (para. 43 and para. 55 of Knaus); and

a decryption reception section for receiving and decrypting information sent from the operation terminal (para. 6 of Knaus), and

the operation terminal comprises:

an encryption transmission section for encrypting and sending the information sending to the management device (para. 43 and para. 55 of Knaus); and

a decryption reception section for receiving and decrypting the information sent from the management device (para. 6 of Knaus).

(M) Referring to claim 18, Knaus discloses wherein the storage section of the management device comprises a plurality of databases for storing information in

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accordance with a kind of the medical information (Fig. 3 and para. 30 of Knaus),  
and

the control section reads out the corresponding medical information from  
the plurality of the databases in accordance with the operation instruction from  
the operation terminal, and controls at least one operation of the browsing,  
adding, modifying and processing (para. 43 of Knaus).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for  
all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described  
as set forth in section 102 of this title, if the differences between the subject matter sought to  
be patented and the prior art are such that the subject matter as a whole would have been  
obvious at the time the invention was made to a person having ordinary skill in the art to which  
said subject matter pertains. Patentability shall not be negated by the manner in which the  
invention was made.

5. Claims 5-6, 10-11, and 19-20 are rejected under 35 U.S.C. 103(a) as  
being unpatentable over Knaus et al. (US 2002/0004727 A1) in view of Felsher  
(US 2002/0010679 A1).

(A) Referring to claim 5, Knaus does not disclose wherein the management  
device further comprises a date and time providing section for adding a date and  
time when the medical information is operated as attached information in case  
that the browsing, adding, modifying or processing is performed to the medical  
information stored in the storage section by the control section.

Felsher discloses wherein the management device further comprises a  
date and time providing section for adding a date and time when the medical



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information is operated as attached information in case that the browsing, adding, modifying or processing is performed to the medical information stored in the storage section by the control section (para. 367 of Felsher).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned features of Felsher within Knaus. The motivation for doing so would have been for an audit trail to be available for review (para. 367 of Felsher).

(B) Referring to claim 6, Knaus does not disclose wherein the date and time providing section adds the date and time when the medical information sent by the automatic transmission section is received by the reception section or the date and time when the medical information sent by the automatic transmission section is stored in the storage section to the medical information as the attached information.

Felsher discloses wherein the date and time providing section adds the date and time when the medical information sent by the automatic transmission section is received by the reception section or the date and time when the medical information sent by the automatic transmission section is stored in the storage section to the medical information as the attached information (para. 252 and para. 367 of Felsher).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned features of Felsher within Knaus. The motivation for doing so would have been for an audit trail to be available for review (para. 367 of Felsher).

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(C) Referring to claim 10, Knaus does not disclose wherein the individual information is at least one of the fingerprint, the palm print, the voiceprint, the face, the iris pattern, the eyeground pattern and the vein pattern.

Felsher discloses wherein the individual information is the fingerprint (para. 42 of Felsher).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned feature of Felsher within Knaus. The motivation for doing so would have been to provide substantial system security (para. 42 of Felsher).

Insofar as the claim recites “at least one of,” it is immaterial whether or not the other elements are also disclosed.

(D) Referring to claim 11, Knaus does not disclose wherein the individual verification section verifies the individual in combination with the individual information of the password or the ID card and at least one of the fingerprint, the voiceprint, the iris pattern, and the vein pattern.

Felsher discloses wherein the individual verification section verifies the individual in combination with the individual information of the password or the ID card and the fingerprint (para. 42 of Felsher).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned feature of Felsher within Knaus. The motivation for doing so would have been to provide substantial system security (para. 42 of Felsher).

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Insofar as the claim recites “at least one of,” it is immaterial whether or not the other elements are also disclosed.

(E) Referring to claim 19, Knaus discloses a medical information management system comprising (para. 3 of Knaus):

at least one database for storing medical information (Fig. 3 and para. 30 of Knaus); and

a management section for managing access to the database (para. 22 of Knaus).

Knaus does not disclose:

wherein the management section stores a biological discrimination pattern peculiar to an operator who accesses the database by making the biological discrimination pattern correlate with ID information set to the operator, obtains a biological discrimination pattern and ID information from an arbitrary operator when an access is required to the database from the arbitrary operator, and judges whether or not to approve the access by comparing the obtained biological discrimination pattern and the ID information with the biological discrimination pattern and the ID information correlated and stored beforehand.

Felsher discloses wherein the management section stores a biological discrimination pattern peculiar to an operator who accesses the database by making the biological discrimination pattern correlate with ID information set to the operator, obtains a biological discrimination pattern and ID information from an arbitrary operator when an access is required to the database from the arbitrary operator, and judges whether or not to approve the access by

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comparing the obtained biological discrimination pattern and the ID information with the biological discrimination pattern and the ID information correlated and stored beforehand (para. 42 of Felsher).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned feature of Felsher within Knaus. The motivation for doing so would have been to provide substantial system security (para. 42 of Felsher).

(F) Referring to claim 20, Knaus does not disclose wherein the peculiar biological discrimination pattern is at least one of a fingerprint, a palm print, a voiceprint, a face, an iris pattern, a eyeground pattern and a vein pattern.

Felsher discloses wherein the peculiar biological discrimination pattern is a fingerprint (para. 42 of Felsher).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned feature of Felsher within Knaus. The motivation for doing so would have been to provide substantial system security (para. 42 of Felsher).

Insofar as the claim recites “at least one of,” it is immaterial whether or not the other elements are also disclosed.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knaus et al. (US 2002/0004727 A1) in view of de la Huerga (US 6,345,268 B1).

(A) Referring to claim 8, Knaus does not disclose wherein the medical information sent by the automatic transmission section includes a creation date

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and time when the medical information is created, and the management device further comprises a storage control section for comparing a creation date and time included in the medical information received by the reception section with a creation date and time included in the medical information stored in the storage section, and for storing the medical information received by the reception section, which includes the creation date and time different from the creation date and time included in the medical information stored in the storage section.

De la Huerga discloses wherein the medical information sent by the automatic transmission section includes a creation date and time when the medical information is created, and the management device further comprises a storage control section for comparing a creation date and time included in the medical information received by the reception section with a creation date and time included in the medical information stored in the storage section, and for storing the medical information received by the reception section, which includes the creation date and time different from the creation date and time included in the medical information stored in the storage section (col. 1, lines 23-41 of de la Huerga).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned features of de la Huerga within Knaus. The motivation for doing so would have been to automate the referencing, locating, and retrieving of data records according to temporal descriptors (abstract of de la Huerga).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teaches methods and systems for managing distributed digital medical data (US 2004/0034550 A1); a medical image management system and method (US 2002/0016718 A1); and a method and system for managing patient medical records (US 2001/0041991 A1).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LENA NAJARIAN whose telephone number is (571)272-7072. The examiner can normally be reached on Monday - Friday, 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. N./  
Examiner, Art Unit 3626  
In  
1-31-08

/Joseph Thomas/

Supervisory Patent Examiner, Art Unit 3626